

ORIGINAL

Approved:

JARROD L. SCHAEFFER  
Assistant United States Attorney

DOC #

Before: THE HONORABLE BARBARA MOSES  
United States Magistrate Judge  
Southern District of New York

19 MAG 975

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UNITED STATES OF AMERICA :  
 :  
- v. - :  
JAMEL ELLIOT, :  
 :  
Defendant. :  
 :  
----- X

**SEALED COMPLAINT**

Violations of 18 U.S.C.  
§§ 751(a) and 4082(a)  
COUNTY OF OFFENSE:  
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

NICHOLAS BINETTI, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshals Service ("USMS"), and charges as follows:

**COUNT ONE**  
**(Escape)**

1. On or about January 8, 2019, in the Southern District of New York, and elsewhere, JAMEL ELLIOT, the defendant, knowingly did escape and attempt to escape from the custody of the Attorney General and his authorized representative, and from an institution and facility in which he was confined by direction of the Attorney General, and from custody under and by virtue of process issued under the laws of the United States by a court, judge, and magistrate judge, which custody and confinement was by virtue of a conviction of an offense, to wit, ELLIOT, while in the custody of the Bronx Residential Reentry Center ("Bronx RRC") located at 2532-2534 Creston Avenue in the Bronx, New York, following a conviction in the United States District Court for the Southern District of New York for conspiracy to commit bank fraud in violation of 18 U.S.C. § 1349, failed to report to the Bronx RRC and left the Bronx RRC without authorization.

(Title 18, United States Code, Sections 751(a) and 4082(a).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Deputy United States Marshal with the USMS and have been so employed for approximately 9 years. This affidavit is based upon my personal participation in the investigation of this matter, as well as conversations with other law enforcement officers and my examination of relevant reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of documents and reports from the Department of Justice and the Federal Bureau of Prisons ("BOP"), I have learned, among other things, the following:

a. On or about December 19, 2017, JAMEL ELLIOT, the defendant, pled guilty to and was convicted of conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349, in the United States District Court for the Southern District of New York in the case captioned 17 Cr. 118 (KPF).

b. In connection with that conviction, on or about May 2, 2018, the Honorable Katherine Polk Failla, United States District Judge for the Southern District of New York, sentenced ELLIOT to a term of 15 months' imprisonment to be served in the custody of the BOP. ELLIOT was also sentenced to a three-year term of supervised release.

c. On or about November 7, 2018, ELLIOT was transferred from FCI Berlin in Berlin, New Hampshire, to the Bronx RRC to serve the remainder of his sentence. The Bronx RRC is a BOP facility.

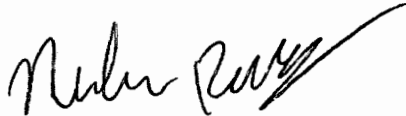
d. On or about January 8, 2019, ELLIOT was required to return to the Bronx RRC from an employment program by 4:00 P.M., but failed to return by the prescribed time. As a result of ELLIOT's failure to return by the prescribed time, he was placed on escape status.

e. ELLIOT subsequently returned to the Bronx RRC after the prescribed time had passed. Upon his arrival at the Bronx RRC, ELLIOT was informed by the staff at the Bronx RRC that additional restrictions would be imposed on him as a result of his escape status.

f. After being informed of the imposition of additional restrictions as described above in ¶ 3(e), ELLIOT departed the Bronx RRC without authorization by Bronx RRC staff.


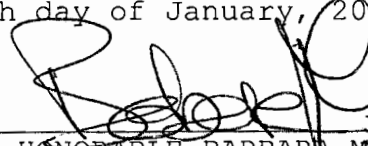
g. The Bronx RRC subsequently reported ELLIOT's unauthorized departure from the facility. ELLIOT has not reported to the Bronx RRC since his departure.

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrest of JAMEL ELLIOT, the defendant, and that he be arrested and imprisoned, or bailed, as the case may be.



Nicholas Binetti  
Deputy United States Marshal  
United States Marshals Service

Sworn to before me this  
29th day of January, 2019



THE HONORABLE BARBARA MOSES  
United States Magistrate Judge  
Southern District of New York